

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA ex rel.
BRADLEY GELLER,

Plaintiffs,

Case Number 17-13233
Honorable David M. Lawson

v.

STATE OF MICHIGAN,

Defendant.

ORDER UNSEALING COMPLAINT AND DIRECTING SERVICE

On October 12, 2017, the Court signed an order in accordance with 31 U.S.C. § 3730(b)(2) placing the matter under seal. The statute states that a complaint filed by a private person alleging a false claim in violation of 31 U.S.C. § 3729 “shall remain under seal for at least 60 days” during which time the government may elect to intervene and proceed with the action. 31 U.S.C. § 3730(b)(2). The government must elect whether to intervene within 60 days after it receives service of the complaint and the material evidence and information, or such additional time as the Court may allow. *Ibid.* The time the matter remains under seal can be extended if the government files a motion for the extension showing good cause. *Id.* § 3730(b)(3). The Court extended the time upon application by the government to July 10, 2018.

The government has elected not to intervene. It has requested copies of all pleadings and any proposed settlement or dismissal order filed in this case. Upon consideration, the Court finds that the unsealing of this matter is warranted.

Accordingly, it is **ORDERED** that the complaint be unsealed and the plaintiff shall serve the complaint on the defendant **on or before August 8, 2018** and file proof of service with the Clerk.

It is further **ORDERED** that the Clerk of Court shall unseal this Order and the Notice of the United States of its Election to Decline to Intervene, which the relator shall serve upon the defendant after service of the Complaint.

It is further **ORDERED** that the Clerk of Court shall lift the seal as to all other matters occurring in this action after the date of this Order, but all other pleadings and orders thus far filed in this case shall remain under seal.

It is further **ORDERED** that the Clerk of Court shall enter Peter A. Caplan, Assistant U.S. Attorney, United States Attorney's Office, 211 W. Fort Street Suite 2001, Detroit, MI 48226, 313-226-9784, into the ECF system as counsel for the United States, interested party.

It is further **ORDERED** that if any party seeks dismissal of the matter by consent or otherwise, the party must notify and obtain the consent of the United States in accordance with 31 U.S.C. § 3730(b)(1).

It is further **ORDERED** that the parties must serve copies of all pleadings and any proposed settlement agreement or dismissal order on the attorney for the government in accordance with 31 U.S.C. § 3730(c)(3).

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: July 19, 2018

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 19, 2018.

s/Susan Pinkowski
SUSAN PINKOWSKI